

F. No. G-16(4)/2000-NGO
Vol. II

Vol. II

परम गोपनीय
TOP SECRET

प्रधान मंत्री कार्यालय

PRIME MINISTER'S OFFICE

Declaration with the
Approval of the Govt. of India (एनो जी.ओ. अनुभाग)
(N.G.O. SECTION)

41115
50 (NLD)

फाईल नं. 6-16(4)/2000-Nal
File No. 6-16(4)/2000-Nal
Vol. II

विषय :— (कृपया इस आवरण को उलटें)
(SUBJECT :—Please Turn Over)



POLITICAL SECTION

Justice Mukherjee Commission of Inquiry (JMCI) in their letter dated 13.6.2002 has drawn attention to page 3 of noting portion of our file No. 870/11/P/17/90-Pol which shows that a letter from Prof. Samar Guha, M.P. regarding disappearance of Netaji Subhas Chandra Bose had been referred to MEA and was being followed up.

The Commission has requested to let them know the outcome of the follow up action.

Examination of the relevant file shows that Prof. Samar Guha's letter had been referred to MEA for comments vide this office note dated 5.6.1990. From the further noting on P-3/N, it appears that requisite comments of MEA had been received and the same was probably placed on a different file bearing No. 800/6/C/1/90-Pol. However, MEA's comments could not be located either in this file or in File No. 870/11/P/10/91-Pol which is also one of the relevant files.

*✓53/c
870/11/P/10/91
pol.*

In the last page of the correspondence portion of the file there is an u.o. note dated 24.4.1991 addressed to MEA which, inter alia, reads as follows: "No further action is required by MEA in view of the recent CCPA decision....."

Since MEA's reply is not traceable at this stage, for sending an appropriate reply to the JMCI, we may request NGO Section (custodian of CCPA papers) to link up the relevant CCPA decision referred to above.

Alok
[Alok Mukhopadhyay]
Under Secretary (Pol)
26.6.2002

~~US (NGO)~~

NGO Section.

Reference notes on prepage.

- (2) The Note for the CCPA on the subject of "dispute regarding ashes of Netaji Subhash Chandra Bose and also controversy about whether Netaji is dead or still alive", of the Ministry of Home Affairs bearing No. I/12014/60/90-IS. (D. III), dated 10-01-1991, is available in N.G.O. File No. G-4(6)/91-1 N.G.O. In paragraph 11 of this Note, it was proposed as under, for the approval of the Cabinet :

"11. The issue of Netaji's death and bringing of ashes to India is surcharged with emotion. We have already had two enquiries on the disappearance of Netaji Subhash Chandra Bose. It has already been accepted that Netaji Subhash Chandra Bose died in the air crash on the 18th August, 1945 at Taihoku. The Ministry of Home Affairs are, therefore, of the view that no useful purpose would be served by holding yet another inquiry or by bringing the ashes back to India at present as this might create unnecessary tensions."

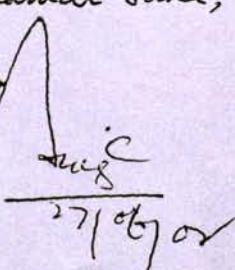
F: No: G-4(2)
95-N.G.O

- (3) Further, in another Note for the Cabinet of the M/o Home Affairs bearing No. I/12014/27/93-IS. (D. III), dated 02-02-1995, on the proposal to bring the mortal remains of Netaji Subhash Chandra Bose from Japan to India, it was stated in para 5 of the Note [in reference to the MHA proposal in their Note for the CCPA, dt. 10-01-1991, reproduced in para 2 above] that "The CCPA approved the proposal on 27th February, 1991 and the matter was laid at rest."

- (4) However, neither the Minutes/decision on the 27th 1991 CCPA mentioned above nor the reply/comments of M.E.A. to this Office note dated 05-06-1990 reg. Prof. Samar Guha, M.P.'s letter, are available in N.G.O.

10
27/6/02

VS (PCL)


Aug
27/6/02

-3-

N.G.O. Section

We have received letters dated 12-7-02 and 24-9-02 from the Hon'ble Justice Mukherjee Commission of Inquiry inquiring into the alleged disappearance of Netaji Subhas Chandra Bose, to furnish to them four Com. Nos. Viz. Com.11, 30(R)(2), 30(S)(2) and 30(V)(1). Alongwith their letter, they have enclosed a photocopy of a D.O. letter No.IV/8(66)/2001-2184, dated the 12th December, 2001, from Shri Sanjay Sinha, Joint Director, Intelligence Bureau, addressed to the Secretary, Justice Mukherjee Commission of Inquiry, wherein in para.3, it has been stated as under:

" Of the remaining documents mentioned against 10 Com. Nos. Com.6, 7, 7A, 11, 25B, 25C, 25D, 30(R)(2), 30(S)(2) and 30(V)(1), copies of documents mentioned against 4 Com. Nos Com.11, 30(R)(2), 30(S)(2) and 30(V)(1) are available in the PMO. The corresponding office copies of these documents in the IB have been destroyed. The PMO has intimated that they would be submitting these documents to the Commission. None of the other documents mentioned in the list is presently available with IB. The concerned files have been destroyed."

2. We have checked up our files and find it difficult to identify/trace the documents with the aforesaid numbers. We may send the above-mentioned two letters to Political Section who are dealing with the subject and request them to take up the matter with the Commission/I.B. and obtain exact specific details of the documents required by the Hon'ble Commission and what they relate to, so that these could be traced in PMO and a reply sent to the Commission based on the outcome of the search.

US (POL)

Dent along with
dy. nos. 64/4/02 &
65/4/02 dt. 04.10.2002.

These are
the JMC's
letters dt.
12-7-02 &
24-9-02
pertaining
to and 1 above
1 sent in original

4

N.G.O. Section

V F/A & B

Justice Mukherjee Commission of Inquiry inquiring into the alleged disappearance of Netaji Subhas Chandra Bose, vide its' letters dated 12-7-02 and 24-9-02, requested this office to furnish the Commission documents mentioned against four Com. Nos. --Com.11, 30(R)(2), 30(S)(2) and 30(V)(1) since these documents were supposed to be submitted to the Commission by PMO as mentioned in para.3 of I.B. letter dated 12-12-01 written by Shri Sanjay Sinha, the then Joint Director, IB, to the Secretary, Mukherjee Commission.

F/c

2. Files related to the subject were thoroughly checked both by this as well as Political Section but documents related to the Com. numbers --Com.11, 30(R)(2), 30(S)(2) and 30(V)(1) - could not be traced since there was nothing on the files which could link the numbers with some documents. Pol Section was, therefore, advised to take up the matter with the Commission/IB and obtain details of the 4 documents referred to above so that these could be traced and a reply sent to the Commission based on the outcome of the search.

+ FD

** PUC
FILE*

3. Accordingly, Pol Section issued a letter to IB on 17-10-02.

Mr. 6-11-02

4. IB has now sent a reply enclosing a copy of this Office letter No. 915/11/C/2000-Pol/NGO, dated 5-7-2000, written to IB seeking its concurrence to the downgrading of their two correspondence as under:-

(i) IB Top Secret Note No. III(51)/63(6), dated 12-6-63 on one Shri K.K. Bhandari sent in reply to PMO D.O. No.2(64), 56-63-PM, dated 23-5-63, written by Shri K. Ram, the then PPS to PM to Shri B.N. Mullik, the then Director, IB.

(ii) IB Top Secret Note dated 16-11-63 sent in reply to PMO reference dated 7-9-68 (reminder 11-11-63).

① FILE

IB has also drawn attention to para 5 of PMO letter dated 5-7-2000 wherein it is stated that PMO intends to produce, among others, the file on which the correspondence mentioned above is contained before the Commission and, therefore, the need for downgrading of letters issued by IB. I.B. seems to assume that the Commission requires these documents only. It is not clear from the PUC if IB has clarified it from the Commission or has written of its own.

6/N. 5. Regarding the letters mentioned in para 4 above, these are a part of PMO file No.2(64)/56-66-PM Vol.II a copy of which has already been submitted before the Commission alongwith 6 other files vide our letter dated 24-7-2000. The original file i.e. File No.2(64)/56-66-PM Vol.II has been returned to Pol. Section after downgrading it from 'Top Secret' to 'Secret' vide note dated 2-4-02.

F/F
Pol section
file is also
put up.

In view of the above, we may once again write to IB requesting it to confirm from the Commission what the documents numbered as Com11, 30(R)(2), 30(S)(2) and 30(V)(1) actually are so that further action could be taken in the matter. After DUCR has approved the papers will be sent to Pol. section for further action.

File no. 17/12/02

DUCR

NGO

18/12/02

USP/POU

Excepting references of Flags F, G and pg 6/N in para 5 of the note above, all the other references of Flags A, B, C, D, E & PUC are in Pol. file no. 915/11/C/2/2/02.

*4/Dir(CR)/FS/02
18/12*

*Q C - original
with the Pol.*

Correspondence

1 to 22

By registered post with A/D.

JUSTICE MUKHERJEE COMMISSION OF INQUIRY
FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF
NETAJI SUBHAS CHANDRA BOSE.
'B' Block, (Third Floor)
11/A Mirza Ghalib Street, Kolkata 700 087

Fax : 0091-033-252-2765

Phone:

Chairman - 252-2835
Secretary - 252-2767
Officer on Special Duty - 252-2765
Office - 252-2766/68

e-mail : jmcinscb@cal.3.vsnl.net.in

1/48/48

— NO. JMCI/ Meeting-Proceeding (Follow Up) Kolkata, dated, April 29, 2002

From : Shri Manabendra Roy
Officer on Special Duty

To : The Secretary
Prime Minister's Office
South Block,
New Delhi-110001.

S i r,

I am directed to send herewith xerox copies
of the proceedings dated 21.3.2002 and 22.3.2002
together with a xerox copy of the Status Report
as on 19.3.2002 (forenoon) for necessary action at
your end.

Yours faithfully,

man
(M. Roy) 29.4.2002
Officer on Special Duty

Enclo : As stated above.

म.सी.का. (एन.के.ओ.)/PMO (NGO)
डा.रं.०/DY. No. ३१/६/०२
दिनांक/Date: ०६/०४/२००२

Pl. go through this
Is there any thing to be
attended to by us? 6/5

9911878002

sir (st) 11/6/5
usinesc for your ref. *6/5/02*

ADDL. SF CY. TO PM
Dy. No 1261-C
Date..... 3/5/02.....

1570/TSJ/9
7/10

VJ (Poe)

(2)

JUSTICE M.K. MUKHERJEE COMMISSION OF INQUIRY

Proceedings dated 21st March 2002 (Fourteenth-DI)
Held at the Seminar Hall, Annexe Building, Mahajati Sadan,
166, Chitta Ranjan Avenue, Kolkata-700007

21.03.2002

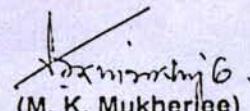
Of the six witnesses summoned to-day Shri Subrata Bose, Smt. Chitra Ghosh, Shri Supriyo Bose, Smt. Bithi Chatterjee and Shri Satyabrata Tapadar are present. Prayer for time by another witness summoned, Dr. Susanta Kr. Mitra, was allowed vide order dated 08.03.2002.

Smt. Bithi Chatterjee, Shri Subrata Bose, Smt. Chitra Ghosh and Shri Satyabrata Tapadar have been examined as CW.71, CW.72, CW.73 and CW.74 respectively. Shri Subrata Bose in his examination has testified that the statements made in the affidavit filed by him jointly with Smt. Chitra Ghosh and Shri Supriyo Bose before the Commission are correct. The affidavit is marked Exhibit 94. The signatures of Shri Subrata Bose (CW.72) and Smt. Chitra Ghosh (CW.73) on the affidavit have been marked Exhibits 94/1 and 94/2 respectively. A letter dated 01.12.95 written by Smt. Chitra Ghosh (CW.73) to the then Prime Minister has been marked Exhibit 95 (Xerox copy retained).

Shri Supriyo Bose who filed the affidavit along with Shri Subrata Bose (CW.72) and Smt. Chitra Ghosh (CW.73) has not been examined as his evidence would be repetitive

Shri Satya Brata Tapadar (CW.74) has asserted that his statement made in his affidavit filed on 28th January, 2000 and Supplementary affidavits filed on 11th April, 2000, 19th January, 2001 and 18th January, 2002 are correct. The said affidavit and the supplementary affidavits have been marked Exhibits 96, 97, 98 and 99 respectively. His signatures on the affidavit and on the respective supplementary affidavits have been marked Exhibits 96/1, 97/1, 98/1 and 99/1. The booklet titled as "What happened to Netaji after 18th August, 1945" authored and published by him is marked Exhibit 100.

Status report as on 19.03.2002 (forenoon) prepared by the Commission has been circulated to all the parties present. Proceeding is adjourned till 11 AM to-morrow for hearing on Status Report.


(M. K. Mukherjee)

Chairman

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Status Report as on 19.03.2002 (forenoon) showing action taken on/compliance with orders/directions including those contained in the proceedings dated December 20, 2001 read with the proceedings dated 23.03.2000, 13.06.2000, 31.08.2000, 28.09.2000, 23.11.2000, 22.12.2000, 17.01.2001, 04.04.2001, 13.06.2001, and 17.10.2001 of the Commission.

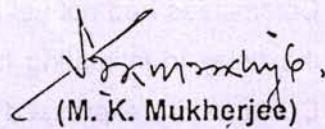
1. Copies of the Status Report as on 12.12.2001 and copies of the proceedings dated 19.12.2001 and 20.12.2001 have been sent to the Secretaries, Ministry of Home Affairs, Ministry of External Affairs, Prime Minister's Office, Cabinet Secretariat, Ministry of Defence, as also to the Director, Intelligence Bureau, and the Director General, National Archives of India under Commission's letter No.JMCI/Meeting-Proceedings (Follow Up)/48(Vol.III)/514(7) dated 16.01.2002 sent to them by Registered Post with A/D for their kind information and favour of taking necessary action.
2. As early as on September 5, 2001 the Director General of National Archives, Government of India, was requested by Commission by its d.o. No.JMCI/DOC(FOR)/99-2000/56(Vol.II)/286 of that date to inform the Commission whether they have obtained the Micro-Films/Micro-Fiches of the files/documents which were earmarked by the team of the Commission after their study of the relevant files/documents in the British Library and the Public Records Office and also authenticated xerox copies of the entire File No.K 148/A of Mountbatten papers in the Hartley Library of the Southampton University, all of which they (National Archives) undertook to furnish to the Commission. Even though six months have since elapsed those documents are yet to be received by the Commission.
3. The Secretary, Ministry of Home Affairs, Government of India, was requested by Commission's letter No.JMCI/Records/N.Delhi/99-2000/37/305 dated September 18, 2001 to let the Commission know immediately what action was taken on the Rajya Sabha Starred Question No. DY. 2198 by Shri K.R. Malkani, M.P. due for answer on 06.03.1996 as mentioned at notesheet page 1 of Prime Minister's Office File No.915/II/C/6/96-Pol. as also on the letter dated November 20, 1996 of Shri Ramkrishna Hegde

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Shri Subrata Bose further suggested that notice regarding foreign visits by the Commission should be sent to the deponents sufficient ahead so that deponents could arrange for Visas, Passports, etc. to take part in the hearing of the Commission in Japan and other places abroad.

The suggestion would be considered at the appropriate time.

The deponent, Dr. Sushanta Kumar Mitra, pointed out a mistake in the last line but one of paragraph 13(b) at page 9 of the Status Report wherein "October 28, 1978" had been typed instead of "August 28, 1978."

The mistake was rectified accordingly.



(M. K. Mukherjee)

Chairman

3

JUSTICE M.K. MUKHERJEE COMMISSION OF INQUIRY

- Proceedings dated 22nd March 2002 (Fourteenth-D2)
Held at the Seminar Hall, Annexe Building, Mahajati Sadan,
166, Chitta Ranjan Avenue, Kolkata-700007

22.03.2002

At the outset, Commission wanted to know from Mr. Tarakeswar Pal, Lt. Senior Counsel of the Govt. of India, about the result of inquiry for finding out further relevant records, as two months' time prayed for by Smt. Sangeeta Gairola, Joint Secretary, Ministry of Home Affairs, Govt. of India on December 22nd, 2001 and allowed by the Commission, had already elapsed. Shri Pal informed the Commission that two Committees, one for searching the documents within the Ministry and the other for the other departments and the Ministries, had been formed, but the reports of the Committees had not yet reached the Ministry of Home Affairs. So there was the delay in intimating the Commission about the result of further inquiry. Commission expressed its displeasure for dealing with the matter in lackadaisical manner. Commission would pass necessary order, if need be, at the appropriate time.

The deponent Shri Nanda Lal Chakraborty, referring to page 1, paragraph 3, page 3, paragraphs 7(a)(i), 7(a)(ii), 7(a)(iv) of the Status Report, wanted to know about the compliance by the respective Ministry, Govt. of India and requested the Commission to take up the follow-up action where order of the Commission had not been complied with by the respective Ministries.

As regards paragraph 7(a)(i) of the Status Report, the Ministry of External Affairs filed an affidavit in compliance with the order of the Commission on their prayer at the last sitting in Delhi. They stated that they had no further documents. As regards paragraph 7(a)(ii) of the Status Report, in the paper received by the Commission nothing relevant to the terms of reference of the Commission was found.

Follow-up action, wherever necessary, would be taken up.

The deponent, Shri Nanda Lal Chakraborty and Shri Subrata Bose suggested that Commission should also visit Vietnam and Taiwan while visiting Japan, as Mrs. Prova Jagannathan did not appear before the Commission though she was summoned more than once.

- addressed to the then President of India, indicating the results of the said actions. The Secretary, Ministry of Home Affairs was also requested in the said letter of the Commission to send to the Commission within six weeks an authenticated xerox copy of the information furnished by the Government of U.K. as stated in the letter dated 12.03.1999 of the Ministry of Home Affairs, appearing at cor.page 196 of the said file of the Prime Minister's Office. Copies of the aforesaid notesheet page and cor.page were enclosed with the Commission's said letter dated September 18, 2001. The information and documents called for are still awaited.
4. Further affidavit, as called for from the Ministry of Defence, Government of India, by Commission's letter No.JMCI/Record/- N.Delhi/99-2000/37/57 dated May 3, 2001 regarding existence/non-existence/availability/non-availability/destruction, etc. of the complete records of the proceedings of the trial of I.N.A. personnel, is still to be submitted by the said Ministry before the Commission.
5. A xerox copy of the report captioned, "Sleeping Bomb lies in Netaji Vault" authored by Shri Chandan Nandy was sent to the Secretary, Ministry of Home Affairs, Government of India, with Commission's letter No.JMCI/Records/N.Delhi/99-2000/- 37/108 dated 28.05.2001 in terms of the letter No.10/SPS-11/- 2001(20)-306 dated 17.05.2001 of the Cabinet Secretariat, Government of India, and the Secretary, Ministry of Home Affairs, was requested to furnish a detailed report on the contents of the said article of Shri Chandan Nandy which was published in the "Telegraph", Calcutta on March 26, 2001. The response of the Ministry of Home Affairs, Government of India, in the matter is still awaited.
6. In Commission's letter No.JMCI/Meeting-Hearing/99-2000/- 57(Vol.II/349 dated October 8, 2001 certain anomalies noticed in the photo copy of File No.915/II/C/6/96-Pol. of the Prime Minister's Office were pointed out to the Secretary of the Prime Minister's Office with the request to furnish necessary explanation/clarification in respect of the said anomalies within eight weeks from the date of receipt of the

letter. The said letter appears to have been received in the Prime Minister's Office on December 12, 2001. Their reply is still awaited. P.M.O.

7.(a)(i) Shri Jayant Prasad, Joint Secretary, Ministry of External Affairs, prayed for two months' time at the time of his examination as a witness before the Commission on December 20, 2001, for filing a supplementary affidavit detailing the developments that have taken place since he filed his affidavit dated 14.12.2001 regarding availability of documents from foreign countries. The Hon'ble Chairman considered and allowed the prayer with the direction that he should also state in his supplementary affidavit whether there is any classified documents relating to the terms of reference of the Commission.

(a)(ii) The Director (CNV), Ministry of External Affairs, Government of India, in his d.o. letter No.25/4/NGO-Vol.VII dated February 21, 2002 addressed to the Secretary of the Commission has stated inter alia : "following the scrutiny of records" being relied upon by different deponents "It was found that only one document - a record of the interview of the then Ambassador to U.S.S.R., Shri K.P.S. Menon, with Stalin - pertained to this Ministry."

(a)(iii) The said record of the interview of Shri K.P.S. Menon with Stalin received by the Commission on February 7, 2002 from the Ministry of External Affairs, Government of India, in a sealed cover was opened and read by the Hon'ble Chairman, resealed in his presence and sent back to the Ministry of External Affairs on February 11, 2002 as the Hon'ble Chairman found the said record of interview to be having no relevance whatsoever to any of the terms of reference of this Commission.

(a)(iv) A supplementary affidavit sworn by Shri Jayant Prasad, Joint Secretary (CNV), Ministry of External Affairs, Government of India, has been received on March 4, 2002 by the Commission. In this affidavit the said Joint Secretary has stated, inter alia, that there is no other documents in the Ministry, whether classified or unclassified, relating to the terms of

reference of this Commission; that the Indian Mission in Washington has informed the Ministry of External Affairs, Government of India that all documents once declassified by the U.S. Government are no longer retained by them and are normally stored in the National Archives, Library of Congress or other similar documentation centres; that the classified documents of the U.S. Government can be requisitioned under the U.S. Freedom of Information Act, only by giving specific details of the documents; and that the said Indian Mission has further conveyed that this is a tardy and complicated process.

- 7.(b) At the time of her examination before the Commission as a witness on December 20, 2001, Smt. Sangita Gairola, Jt. Secy., MHA stated inter alia that a small Committee headed by the Deputy Secretary of the Ministry of Home Affairs has been formed by the Ministry to find out further relevant records and stated that they would require another two months to continue the inquiry to find out other relevant documents. Even though the said period of two months has expired, the result of the said inquiry by the Ministry of Home Affairs is still awaited.
8. On a petition filed on behalf of the Commission the Hon'ble Allahabad High Court (Lucknow Bench) has passed an order on February 6, 2002 and permitted the Commission to bring to its head office in Calcutta the sealed box containing the documents and articles selected by the Commission and kept in a Steel Box, out of the articles and documents allegedly belonging to 'Gumnnami Baba' and kept in the Steel Boxes in the District Treasury of Faizabad. Steps could not be taken to bring the said box containing the said selected articles and documents from the District Treasury of Faizabad to the Commission's head office in Calcutta with proper and adequate Police escort before completion of the elections to the Legislative Assembly of the U.P. which commenced on February 14, 2002. After completion of the said elections, some steps were taken for the aforesaid purpose; but the efforts in this regard had to be suspended because of the reported law and order situation in Faizabad. The efforts will be renewed as soon as the situation there becomes normal.

9. The Secretary, Prime Minister's Office, has been requested by Commission's letter No.JMCI/Records/N.Delhi/99-2000/37(Vol.II)/536 dated 29.01.2002 to kindly send to the Commission immediately authenticated xerox copies of the rules and procedures prescribed for destruction of files/documents since it appears from the purported xerox copies of file No.23(156)/51-PM of the Prime Minister's Office as also from their communication dated September 21, 2001 that a number of papers/files of the said office were destroyed.

PMO

10. It has been stated inter alia in the affidavit dated December 19, 2001 of Smt. Sangita Gairola, Joint Secretary (IS-I), Ministry of Home Affairs, Government of India :

"The averments and allegations made therein (i.e. in the affidavits and supplementary affidavits concerned) are matters of records and subject to the consideration by the Hon'ble Commission. Some of the records available with this Ministry have been made over to the Hon'ble Commission and some others have been discovered with this affidavit (i.e. her affidavit dated December 19, 2001) for consideration by the Hon'ble Commission; and that she has further stated therein that "the Ministry of Home Affairs has also taken up the matter with Ministry of External Affairs, Ministry of Defence, Intelligence Bureau, National Archives of India, and Prime Minister's Office, to go through the documents and if necessary submit an affidavit to the Commission directly."

PMO

Hence, the Secretaries of the Ministry of External Affairs, the Prime Minister's Office, and the Ministry of Defence as also the Director of Intelligence Bureau, and the Director General of National Archives of India have been requested by Commission's letter No.JMCI/Records/N.Delhi/99-2000/37(Vol.II)/537 dated 29.01.2002 to send their respective affidavits immediately regarding the averments and allegations made in the relevant affidavits and supplementary affidavits of different deponents, the copies of which were furnished by the Commission with the Ministry of Home Affairs, Government of India.

PMO

11.(a) The Secretary, Ministry of Home Affairs, Government of India, has been requested by Commission's confidential letter No.JMCI/Records/2000-01/37(II)/533 dated January 28, 2002 to let the Commission know what was the outcome of the action, if any, taken on U.O. No.800/6/C/I/90-Pol. dated September 21, 1990 of the Prime Minister's Office addressed to Shri Naresh Chandra, the then Home Secretary, Government of India, wherewith a copy of the letter dated September 13, 1990 of Shri Amiya Nath Bose addressed to Shri V.P. Singh, the then Prime Minister of India and of the enclosure thereto which is a xerox copy of the news titled, "Fresh Clue on Netaji's Death" published in the "Times of India" (New Delhi) dated September 3, 1990 were sent to the Home Secretary, Government of India, for appropriate action. It was also stated in the said letter dated 28.01.2002 of the Commission that the said letter dated September 13, 1990 of Shri Amiya Nath Bose with its enclosure and the said note dated September 21, 1990 are available in File No.800/6/C/I/90-Pol. of the Prime Minister's Office, on the subject, "Netaji Subhas Bose - Bringing in the ashes of".

(b) The Secretary, Ministry of External Affairs, Government of India, has been requested by Commission's confidential letter No.JMCI/Records/2000-01/37(II)/532 dated January 28, 2002 to let the Commission know as quickly as possible what was the outcome of the action, if any, taken on U.O. No.800/6/C/I/90-Pol. dated May 23, 1990 of the Prime Minister's Office endorsed to the Joint Secretary (EA), Ministry of External Affairs, Government of India, wherewith copies of the letter dated May 11, 1990 of Shri Amiya Nath Bose, the reply dated May 19, 1990 thereto given by Shri R. Sen, Joint Secretary of the Prime Minister's Office as also of the letter dated May 4, 1990 addressed to Shri V.P. Singh, the then Prime Minister of India jointly authored by Shri Ashok Nath Bose, Shri Amiya Nath Bose and Shri Subrata Bose, all nephews of Netaji Subhas Chandra Bose, were sent to bring those to the attention of the Ministry of External Affairs, Government of India. It was stated

in the said letter of the Commission that xerox copies of the aforesaid letters and the note are available in the File No.800/6/C/I/90-Pol. of the Prime Minister's Office.

(c) The Director, Press Information Bureau, Government of India, has been requested by Commission's confidential letter No.JMCI/Records/2000-01/37(II)/531 dated January 28, 2001 to find out and furnish this Commission with an authenticated true copy of the Press statement, if any, of Mahatma Gandhi which is alleged in the letter dated May 4, 1990 addressed to Shri V.P. Singh, the then Prime Minister of India, authored jointly by Shri Ashok Nath Bose, Shri Amiya Nath Bose, and Shri Subrata Bose, all nephews of Netaji Subhas Chandra Bose, to have been made in 1945 by Mahatma Gandhi to the effect that Netaji did not die in any air-crash on August 18, 1945, after he spoke in detail to Col. Habibur Rahman regarding alleged death of Netaji in an air-crash on August 18, 1945.

(d) A xerox copy of a letter dated May 4, 1990 of Sarbashree Ashok Nath Bose, Amiya Nath Bose, and Subrata Bose addressed to Shri V.P. Singh, the then Prime Minister of India, which appears at cor.pages 3 to 5 of file No. 800/6/C/1/90-Pol., of the Prime Minister's Office on the subject, "Netaji Subhas Bose - Bringing in the ashes of" has been sent to the Secretary, Ministry of External Affairs, Government of India, with Commission's confidential letter No.JMCI/Records/2000-01/37(II)/529 dated January 28, 2002 with the request to kindly procure and furnish this Commission as quickly as possible with an authenticated true copy of the report of the American Intelligence Party, as referred to in the said letter dated May 4, 1990, which allegedly went to Taihoku airport from Mc. Arthur's headquarters to make inquiries about the alleged air-crash at Taihoku on August 18, 1945.

12. During the visit of the Commission to London in July, 2001 some of the files of the Intelligence and Security Agencies of the Government of the U.K. relating to the relevant period were not allowed to be perused by the Commission on

contd...P.8.

the ground that those were classified confidential files under the order of the Lord Chancellor. The matter was taken up by the Hon'ble Chairman at personal level with the Lord Archer who assured the Commission that he would take up the matter with the Lord Chancellor. The letter dated December 1, 2001 of the Lord Chancellor addressed to the Lord Archer shows inter alia that those confidential files would not be made available to the Commission and that those files contain no information which is not already made available to the Commission. Lord Archer has been requested by the Hon'ble Chairman in his d.o. No. JMCI/Chairman's Correspondence/2000-01/71/541 dated January 31, 2002 to kindly impress upon the Lord Chancellor to give the Commission an access to those retained papers which may, hopefully, furnish some materials regarding the alleged disappearance of Netaji Subhas Chandra Bose and thereby remove all sorts of speculations and doubts in this regard. The request has not yet been heeded to.

13.(a) Shri Jarnail Singh, Joint Secretary to the Prime Minister's Office, has been requested by Commission's letter No. JMCI/Records/N.Delhi/99-2000/37(II)/543 dated February 1, 2002 to clarify immediately to the satisfaction of the Commission his statement made in his affidavit dated December 18, 2001 filed before the Commission on December 20, 2001 that the Prime Minister's Office : "is not in a position to provide any clarifications/explanation regarding the circumstances under which Late Morarji Desai, the then Prime Minister, had made such statement on the floor of the Parliament" viz., "some further contemporary official documentary records have also become available", in view of the notes and remarks at cor. pages 26 and 27 of the Secret File No.2/64/78-PM on the subject, "N.S.C. Bose" received by the Commission from the Prime Minister's Office which appear to show that there were official documents, notes and orders which led the then Prime Minister, Shri Morarji Desai, to make the said statement on August 28, 1978, on the floor of the Parliament (Lok Sabha).

(b) The Secretary, Prime Minister's Office was requested by Commission's letter No.JMCI/Records/N.Delhi/99-2000/-37(II)/535 dated January 29, 2002 to send to the Commission immediately authenticated xerox copies of the Parliamentary proceedings (Lok Sabha) dated August 28, 1978 as also of the notes of the Prime Minister's Office on the subject matter discussed in the Lok Sabha on August 28, 1978 including the matter of disappearance of Netaji Subhas Chandra Bose on which Late Morarji Desai, the then Prime Minister, made his statement on the floor of the Lok Sabha on August 28, 1978.

PMO

The Director (LARRTIS) Lok Sabha Secretariat, New Delhi, as requested by the Prime Minister's Office in PMO ID. No. Pt.915/11/C/2/2000-Pol. dated 25.02.2002 has been requested to send immediately authenticated xerox copies of the Parliamentary proceedings (Lok Sabha) dated ~~August~~^{August} 28, 1978 and of other papers, if any, connected therewith.

14. The Secretaries, Ministry of Home Affairs, and Ministry of Information and Broadcasting, Government of India, have been furnished with a copy of the d.o. letter dated February 3, 1978 of Shri R.C. Mazumder (renowned historian) addressed to Shri Morarji Desai, the then Prime Minister of India and of the notes of Shri Mazumder annexed thereto appearing at cor. pages 16 to 20 of the Secret File No.2/64/78-PM of the Prime Minister's Office and were requested by Commission's letter No.JMCI/Records/N.Delhi/99-2000/37(II)/542 dated February 1, 2002 to kindly furnish the Commission as quickly as possible with documents or authenticated xerox copies thereof relevant to the various contentions of the said letter of Shri Mazumder which appear to be relevant to the terms of reference of the Commission. The documents/authenticated copies called for from them are awaited.
15. The Secretary, Ministry of Home Affairs, Government of India, has been requested by the Commission's letter No.JMCI/Records/-N.Delhi/99-2000/37(II)/534 dated January 29, 2002 to make available for perusal of the authorised representative(s) of the Commission, Vol. Nos. XVIII, XIX, and XXII and other Volumes (excluding first 17 Volumes) along with other relevant

files/documents/records pertaining to the Khosla Commission which have not yet been sent to this Commission. The response of the Ministry of Home Affairs in the matter is awaited.

16. In reply to d.o. letter No.25/4/NGO-Vol.VII dated December 18, 2001 of the Director, (C.N.V.), Ministry of External Affairs, Government of India, the Secretary of the Commission by his d.o. No.JMCI/Overseas-Witnesses/2000-01/70/499 dated January 9, 2002 has intimated the Director, (C.N.V.) that the Commission proposes to visit Japan in the second half of March, 2002 and that the tour programme in details will be drawn up and communicated to the Ministry of External Affairs after receiving the requisite details sought for by the Commission from them.

In reply to two d.o. letters both bearing No.25/4/NGO-Vol.VII dated February 21, 2002 regarding proposed visit of the Commission to Japan to examine - (a) the Witnesses in Japan, and (b) the Witnesses in Taiwan respectively of the Director (CIV), Ministry of External Affairs, Government of India, addressed to the Secretary of the Commission, the Secretary, Ministry of External Affairs has been stated inter alia by Commission's letter No.JMCI/Overseas-Witnesses/2000-01/70/600 and No.JMCI/Overseas-Witnesses/2000-01/70/601 both dated March 14, 2001 that the Commission does not possess any further details of the witnesses in Taiwan and has been requested to explore all resources at the disposal of the Ministry of External Affairs to get the addresses and further details of the witnesses in Taiwan and to expedite the matter so that the Commission can visit Japan and Taiwan for examination of ^{the} witnesses available there and inspect the places relevant to the points of inquiry as quickly as possible.

17.(a) The Commission by its letter No.JMCI/Records/N.Delhi/99-2000/37/559 dated February 18, 2001 has requested the Secretary, Ministry of External Affairs, Government of India, to kindly send a report to this Commission as quickly as possible on the following points :

(a) What are the records of the U.N.O. examined and whether those are exhaustive on the subject of War Criminals of the Second World War ?

(b) Who are the present custodians of those records examined; and

(c) Whether the name of Shri Subhas Chandra Bose was ever included in any of the lists of War Criminals and, if so, when and under what circumstances the said name was deleted from such list/lists.

(b) The Secretary, Ministry of External Affairs, Government of India, was requested by Commission's letter No.JMCI/Records/N.Delhi/99-2000/37/375 dated October 22, 2001 to send as early as possible, preferably by the end of November, 2001, an authenticated true copy of the reply of the U.N. Secretariat to the purported formal request of the permanent Mission of India, Newyork, made to the U.N. Secretariat and an authenticated true copy of the documents based on which Indian Mission in Tokyo sent their confirmation as stated in the letter No. U II/103/1/98 dated October 15, 2001 of the Director, Ministry of External Affairs, Government of India.

The Director (CNV), Ministry of External Affairs, Government of India, with his d.o. letter No.25/4/100-Vol.VII dated February 21, 2002 addressed to the Secretary of the Commission which has been received on 01.03.2002 has claimed to have sent a copy of the note recorded by an Officer of the rank of First Secretary of the Indian Mission in Newyork as also "authenticated true copies of documents based on which our Mission (i.e. Indian Mission) in Tokyo had sent the confirmation ^{that} Netaji Subhas Chandra Bose's name did not figure in any list of War Criminals." Those documents are being examined by the Commission.

18. As early as August 23, 2001, the Commission by its letter No.JMCI/Meeting-Proceedings (Follow Up)/48(Vol.II)/274 dated August 23, 2001 requested the Secretary, Ministry of Home Affairs, Government of India, to let the Commission know, within six weeks from the date of receipt thereof which of the files/records/documents mentioned in para (a)(1) and (a)(iii) of the proceedings dated March 23, 2000 of the Commission pertain to the Prime Minister's Office, which of

them pertain to the Ministry of Defence and which of them pertain to the Ministry of External Affairs, Government of India, to enable the Commission to take further action in the matter. No reply has yet been received from the Ministry of Home Affairs, Government of India.

19. By Commission's letter No.JMCI/Affidavit-Averments (Follow Up) 2000-2001/67/228 dated August 1, 2001 sent by Registered Post with A/D. to the Ministry of Home Affairs, Government of India it has been stated that it is not clear from their letter No.I/12014/10/2001-IS(D.III) dated July 4, 2001 whether or not the Ministry of Home Affairs, Government of India, is at all concerned in the matter of furnishing the documents mentioned and relied upon by the deponents referred to in Commission's letter No.JMCI/Affidavit-Averments (Follow Up)/2000-2001/- 67/132 dated May 30, 2001 and they were requested to file a supporting affidavit in the matter by an Officer, not below the rank of Joint Secretary of the Department within four weeks from the date of receipt of this letter. A reminder was sent to the Ministry of Home Affairs, Government of India by Commission's letter No.JMCI/Affidavit-Averments (Follow Up), 2000-2001/67/320 dated September 20, 2001 wherein they were also requested to indicate the name of the authority concerned of the Government of India against each of the documents mentioned and relied upon by the said deponents since those particulars are essentially required by the Commission to pursue effectively with the authorities concerned of the Government of India as advised by the Ministry of Home Affairs in the aforesaid letter dated July 4, 2001 for production before the Commission their respective documents concerned. The said report and the affidavit are yet to be received by the Commission from the Ministry of Home Affairs, Government of India.
- 20.(a) The Secretary, Ministry of Home Affairs has been requested to report to the Commission the action taken by the Government of India for verification of the news of imprisonment of Netaji in Russia as mentioned in cor.page 112 of Secret File No. 2(64)/56-68-FM of the Prime Minister's Office, the details of verification actually made and outcome thereof.

- (b) The Secretary, Ministry of Home Affairs, Government of India, has also been requested to send an authenticated true copy of the news which claimed that Netaji Subhas Chandra Bose had spoken from Moscow radio after the Taskent Agreement as mentioned at cor. page 153 of the Secret File No.2(64)/56-68-PM of the Prime Minister's Office, the full text of the radio speech, the full particulars of the student in the name of Subhas Chandra who allegedly made the broadcast and the true copy of the report sent by the Radio Moscow authority in the matter.
- (c) The Secretaries, Ministry of Home Affairs, and Ministry of External Affairs, Government of India, has been requested to report to the Commission the details of action taken on the letter dated 15.10.1970 of Shri M.L. Sondhi, M.P. (Lok Sabha) addressed to Shri V.V. Giri, the then President of India which is lying at cor. pages 177 and 177(a) of Prime Minister Office's Secret File No.2(64)/56-68-PM and the outcome thereof since the said letter appears to contain some important matters relevant for the purpose of inquiry of the Commission.
- 21.(a) The Secretary, Ministry of External Affairs, Government of India, has been requested to report to the Commission immediately the outcome of the action referred to in para 2 of the d.o. letter dated January 30, 1970 of the Director (EA), Ministry of External Affairs, addressed to Sri Srinivasabardhan, Joint Secretary, Ministry of Home Affairs, Government of India, lying at cor. page 27 of the Prime Minister Office's Secret File No.2(64)/56-70/PMI-Pol. Vol.V as also to send authenticated Xerox copies of the relevant documents, if any, received from the U.K., the U.S.A., the U.S.S.R., and Japan by the Ministry of External Affairs as a result of the action taken by them.
- (b) The Secretaries, Ministry of Home Affairs, and Prime Minister's Office, Government of India, have been requested to send to the Commission true copies of Vols. I and II of Prime Minister Office's File No.F-2(64)/56-66-PM and of Prime Minister's Office File No.2(67)/56-62-PM, referred to

AMO

In U.O. Note dated 04.08.1972 of the Prime Minister's Secretariat sent to the Ministry of Home Affairs, Government of India, lying at cor.page 64 of Prime Minister Office's Secret File No.2(54)/56-70-PM. Vol.V and in the Khosla Commission's d.o. letter dated July 5, 1974 which is lying at cor.page 144 of Prime Minister Office's said Secret File.

- (c) The Secretary, Ministry of Home Affairs, has been requested to report to the Commission immediately the action taken on the points made by Shri Samar Guha in his d.o. letter dated December 21, 1973 addressed to the Prime Minister (vide cor.pages 116 to 122) of Prime Minister Office's Secret File No.2(64)/56-70-PM. Vol. V, other than those points of the said d.o. letter specifically dealt by Shri Tandon, Joint Secretary to the Prime Minister in his U.O. No. PMS-370 dated 05.01.1974 vide cor.page 164 of the said file.
- (d) The Secretary, Prime Minister's Office is being requested to report immediately whether any reference was made by the Prime Minister's Office to the head of the Department, out of which the Prime Minister's Secretariat was created and/or to the head of the Department which became the custodian of the two documents mentioned at sub-paras (1) and (2) of the d.o. letter dated January 1, 1974 of the Private Secretary to the Prime Minister addressed to the Director, Nehru Memorial Museum and Library (vide cor.page 123 of Prime Minister Office's Secret File No. 2(64)/56-70-PM. Vol. V), consequent upon the creation of the Prime Minister's Secretariat, to locate the said two vital documents referred to at sub-paras (1) and (2) of the aforesaid d.o. letter dated January 1, 1974.
- (e) The Secretaries, Ministry of Home Affairs, and the Prime Minister's Office are being requested to send to the Commission immediately an authenticated true copy of the answer of the Government to the Lok Sabha Starred Question D. No.3424 (vide cor. page 132) of the Prime Minister Office's Secret File No.2(64)/56-70-PM. Vol. V as also of the Government notes on the supplementaries regarding the said Lok Sabha Questions.

27. The documents received from different Archives in the Russian Federation by the Russian Foreign Office at the behest of the Indian Mission in Moscow and sent to the Commission by the Ministry of External Affairs, Government of India, along with their English translation of those documents are required to be scrutinized by the Commission on getting proper verification of the correctness of the said English translation with the help of suitable translators from Russian to English. The Commission has already got some names of such translators.

P.O. Section

Please find enclosed a copy of letter dt.
21.6.02 received from JMCI.

Our file indicates that the MEA files mentioned in the enclosed letter had been submitted to the Principal Secretary to P.M. 9.10.93 alongwith NGO

Section fno. G-4(6) 91 / NGO.

NGO section may kindly let us know whether they have any information about further movement of MEA files referred to in JMCI's letter.

Ans

4.7.02

MS (P.O.)

MS (NGO)

+

Ans Letter.

Ref. note above.

2. Files/receipts have been checked. We have no information as to the movement of the MEA files & folder referred to in the JMCI's letter dt. 21-6-02 (i.e. file nos. C/551/7/92-JP alongwith a folder bearing the same number, and file no. C/551/14/90-JP.).

MS
08/7/02

MS (P.O.) - on leave.

MS (P.O.)

Received
8/7/02

प.म.का. (एन.जी.ओ.)/PMO (NGO)
ड़ि. फॉ. नं. 53/6/02.
दर्माक/Date..... 8/7/02.....

b. There movement
of file no. G-4(6) 91-NGO &
let we know.

11/7

By Registered post
with A/D.

21
JUSTICE MUKHERJEE COMMISSION OF INQUIRY
FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF
NETAJI SUBHAS CHANDRA BOSE.
'B' Block, (Third Floor)
11/A Mirza Ghalib Street, Kolkata 700 087

Fax :
0091-033-252-2765

Phone:
Chairman - 252-2835
Secretary - 252-2767
Officer on
Special Duty - 252-2765
Office - 252-2700/68
e-mail :
jmci@cal3.vsnl.net.in

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No. JMCI/Records/N.Delhi/99-2000/37(II)/ Kolkata, dated. June 21, 2002

From : Shri P.K. Sengupta,
Secretary

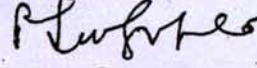
To : The Secretary,
Prime Minister's Office,
Government of India,
South Block
New Delhi-110001.

S i r,

I am directed to draw your attention to cor.page 20 of Secret File No.870/11/P/10/93-Pol. Vol.I of the Prime Minister's Office which is a note dated 08.10.1993 of the Director (AP) of the Ministry of External Affairs (Asia Specific Division) sent to D.S.(s), Prime Minister's Office stating that File Nos.C/551/7/92-JP and C/551/14/90-JP (along with a folder bearing No.C/551/7/92-JP) regarding Netaji Subhas Chandra Bose were returned by the Ministry of External Affairs to the Prime Minister's Office along with the said note.

I am, therefore, directed to request you to send immediately to this Commission authenticated true copies of those files and of the contents of the aforesaid folder.

Yours faithfully,


(P.K. Sengupta)
Secretary

1527/2000
ADDL. SECY. TO PM
Lly. No.....1691-C
Date.....21.6.2002
125/Dir(R)102

Pl. put up
for 2002
1/1
us/pol. 1/1
2252/BJ/9
1/1

File No. G-16(4)/2000-NAO Dated the 24th July, 2000.

From: Ms. Archana Ranjan,
Director,
PMS,
Smith Block,
New Delhi-110011

20 Shri P. K. Senapati,
WBHJS (Retd.),
Secretary,
JMC I,
B-Block (Third Floor)
11-A, Mirza Ghalib Street,
Calcutta - 700 087

Photocopies of the
The files sent by NAO through this letter are:-

S. No.	File No.	Subject
①	23(11)/56-57-PM (TS)	- INA treasure
②	2(64)/56-66-PM (Vol. II)	- 1. Death of Shri Subhash Chandra Bose. 2. Appointment of an Enquiry Committee to go into the circumstances of the death.
③	G-12(18)/94-NAO (TS)	- Controversy regarding Netaji's death and bringing his ashes to India from Japan.
④	G-16(3)/95-NAO (TS)	- Proposal to bring the mortal remains of Netaji Subhash Chandra Bose from Japan to India.
⑤	G-4(2)/95-NAO (TS)	- Proposal to bring the mortal remains of Netaji Subhash Chandra Bose from Japan to India - (Cabinet meeting).
⑥	G-12(3)/98-NAO (TS)	- Transfer of the Ashes of Netaji Subhas Ch. Bose to India.
⑦	T-2(64)/78-PM (Secret)	- Death of Netaji Subhas Ch. Bose - Appointment of an inquiry commission to go into the circumstances of death.

Original given
copy (1st)
to US (1st)

10/13/03